

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRUSTEES OF THE DETROIT
CARPENTERS FRINGE BENEFIT FUNDS,

Case No. 13-cv-14525

Plaintiffs,

v.

Paul D. Borman
United States District Judge

BRENT TAYLOR, INDIVIDUALLY,
AND D/B/A DUNCAN BAY GROUP,

Defendant(s).

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**ORDER GRANTING PLAINTIFFS'
MOTION FOR A DEFAULT JUDGMENT (DKT. NO. 6)**

The matter now before the Court is Plaintiffs' Motion for Default Judgment (Dkt. No. 6).

A hearing was held on this matter on March 11, 2014.

The Court recognizes that Defendant, Brent Taylor, was personally served on November 14, 2013 but he has failed to plead or otherwise defend himself in this action. (Dkt. No. 3, certificate of service). The Court further recognizes that a Clerk's Entry of Default was entered against Defendant on December 17, 2013, and that the Defendant is neither an incompetent person, infant, nor in the military service of the United States. (Dkt. No. 5). Further, accepting all of the well plead allegations in Plaintiffs' Complaint as admitted, the Court finds Defendant has breached the referenced Collective Bargaining Agreement which allows Plaintiffs to demand an audit of Defendant's books and records. *See Ford Motor Co. v. Cross*, 441 F. Supp. 2d 837, 846 (E.D. Mich. 2006) (citation omitted) (holding that once a clerk's entry of default is entered, all well pleaded allegations in the complaint are admitted.).

Therefore, pursuant to the Federal Rule of Civil Procedure 55(b)(2) the Court shall:

- (1) GRANT Plaintiffs' Motion for Default Judgment (Dkt. No. 6);
- (2) ORDER that Defendant shall immediately submit to Plaintiffs' for audit and inspection all the books and records of Brent Taylor, individually and d/b/a Duncan Bay Group, as described in Exhibit A to Plaintiffs' Complaint, a copy of which is attached hereto and expressly made part of this order, for the period of February 1, 2013, through the date of production of the books and records.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: March 14, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 14, 2014.

s/Deborah Tofil

Case Manager

EXHIBIT A

RECORDS REQUIRED FOR AUDIT PURPOSES

CLOCK CARDS, TIME BOOKS OR OTHER DOCUMENTS SHOWING EMPLOYEE'S NAME, SOCIAL SECURITY NUMBER, STRAIGHT TIME AND OVERTIME HOURS WORKED AND THE DATES INVOLVED.

ORIGINAL PAYROLL RECORDS, SHOWING EACH EMPLOYEE'S NAME, ADDRESS AND SOCIAL SECURITY NUMBER, OCCUPATION, STRAIGHT TIME AND OVERTIME HOURS WORKED, RATE OF PAY, GROSS PAY, F.I.C.A. DEDUCTION, WITHHOLDING TAX DEDUCTION, AND OTHER DEDUCTIONS, CHECK NUMBER AND NET PAY.

CANCELLED CHECKS.

EACH EMPLOYEE'S EARNING RECORDS, BY CALENDAR YEAR WITH QUARTERLY TOTALS.

COPY OF W-4 FORM FILED FOR EACH EMPLOYEE.

COPY OF W-2 FORM FILED FOR EACH EMPLOYEE ANNUALLY.

COPY OF W-3 FORM FILED FOR EACH YEAR.

COPY OF SOCIAL SECURITY QUARTERLY REPORT FILED (FORM 941) AND CANCELLED CHECKS SUPPORTING PAYMENT OF SAME.

COPY OF EMPLOYER'S ANNUAL FEDERAL UNEMPLOYMENT TAX RETURN (FORM 940) AND CANCELLED CHECKS SUPPORTING PAYMENT OF SAME.

COPY OF MESC FORM 1020 AND CANCELLED CHECKS SUPPORTING PAYMENT OF SAME.

STUDENT PERMITS.

LETTERS OF INDENTURE CONCERNING APPRENTICES.

LIST OF ALL JOBS

FOREMAN SHEETS

DAILY SHEETS

COPIES OF ALL 1099 AND 1096 FORMS

GENERAL LEDGER

CHECK LEDGERS AND CANCELLED CHECKS

ACCOUNT PAYABLE LEDGER

ACCOUNT RECEIVABLE LEDGER

ALL DOCUMENTS RELATING TO ANY ACCOUNTS ADMITTED CASH PAYMENTS TO
EMPLOYEES CAME FROM